

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-14 were pending. By way of the present reply, claim 4 has been canceled and claims 1, 5-8 and 10 amended. Thus, after amending the claims as set forth above, claims 1-3 and 5-14 are presented for reconsideration. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicant notes that claims 1, 5-8 and 10 are amended to address minor informalities, including those identified in the Office Action. Additionally, independent claims 1 and 10 are amended to more precisely describe the separate power supply as previously recited by claim 4, which is now canceled. Applicant submits that no new issues are raised by the present amendment and that no new search is necessary.

Objection to Claim 4

Claim 4 is objected to as allegedly failing to further limit the subject matter of claim 1. In reply, Applicant has amended the subject matter previously recited in claim 4 to clearly recite that the wave intensity detecting means includes a power supply separate from the power supply of the data terminal device, specifically a resonating circuit that derives power from a wave in a predetermined wireless LAN band. This feature is now recited in both independent claims 1 and 10. Applicant requests withdrawal of this objection.

Rejection under § 112 ¶2

The Office Action rejects claims 10-14 based on lack of antecedent basis for “the identity” and “the separate power supply.” In reply, Applicant has amended claim 10 to avoid any lack of antecedent basis. Applicant requests withdrawal of this rejection.

Rejections under § 103(a) ¶4

The Office Action rejects claims 1-3 and 7-9 under 35 U.S.C. § 103(a) as being unpatentable over iPAQ, previously of record, in view of Novoa, U.S. Patent No. 6,493,824. The Office Action further rejects claims 4 and 6 under § 103(a) as being unpatentable over

iPAQ and Novoa, further in view of Hall, previously of record. These rejections are traversed for the reasons that follow.

First, Applicant respectfully disagrees that there the Office Action meets its burden of establishing a proper motivation to combine the respective teachings of iPAQ and Novoa. In this regard, the Office Action fails to set forth any basis for the asserted combination. Rather, the Office Action merely references Novoa's disclosure of a data terminal/computer being placed in a power down state while its network interface card's power is on in order to detect wake up signals from the network.

It is noted that iPAQ discloses a wireless network interface that is inserted directly into a PC. In contrast, Novoa discloses a network in which a server 12 is connected to remote computers. A remote computer includes a separately powered network interface card 119, which includes a control module configured to detect a wake up pattern of bits from the network. However, there is no suggestion or motivation within either iPAQ or Novoa to substitute or modify the wireless PC card of iPAQ so that it maintains power. Rather, any suggestion for providing a separate power supply to the iPAQ wireless card is derived from Applicant's own disclosure. Reliance on Applicant's own teachings constitutes an improper use of hindsight reasoning.

Second, as amended, the independent claims recite a "wave intensity detecting means including a resonating circuit configured to derive power from said wave even when the main power supply of the data terminal is off." The Office Action acknowledges that the asserted combination of iPAQ and Novoa proper lacks such feature, and therefore relies on Hall. Applicant submits that such reliance is improper and misplaced. Specifically, the Office Action asserts that one skilled in the art would utilize Hall's teaching of passive RFID to derive energy to "minimize power consumption of the main power unit." However, assuming that one combined the respective teachings of iPAQ and Novoa as set forth in the Office Action, the asserted combination would already include a separately powered network interface card based on the teachings of Novoa upon which the Office Action relies. It therefore would not be necessary to provide a resonant circuit to derive power to the signal strength display of iPAQ.

In short, there is no suggestion or motivation to further modify the asserted combination of iPAQ and Novoa apart from Applicant's own disclosure. Such reliance on

Applicant's own description of preferred embodiments of the present invention is improper. Consequently, the rejection under § 103(a) should be withdrawn.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

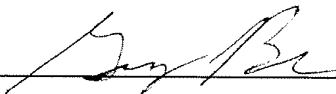
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